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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,382

11/30/2005

Jean-Marc Scherrer

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2837

466

7590

02/11/2009

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EXAMINER

KENNY, DANIEL J

ART UNIT

PAPER NUMBER

3633

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,382	Applicant(s) SCHERRER ET AL.	
	Examiner DANIEL KENNY	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-8 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-8 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1, 6-8, 16-23 - are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherrer (5,029,422) in view of Hosteing (5,413,300).

Scherrer discloses a suspended ceiling comprising:

Claims 1, 6, and 7 - support elements (31,3), the support elements comprising peripheral rails (3) and median rails (31) held with respect to the ceiling;

canvas hooking means (33,35) provided on one side of the median rails;

canvas holding means provided on another side of the median rails;

a canvas (1) tightened at a periphery border free end thereof on the support elements, wherein the hooking means comprises a first flange (35) disposed towards the canvas, and a second flange (33), an inner wall (right side of 33) of the second flange comprising a shoulder (33a) disposed on a lower part of the second flange and adapted to receive, in simple abutment, the free end of the border of the canvas holding the canvas in a stretched condition, the first and second flanges are parallel flanges.

Scherrer does not expressly disclose the median rails comprising tile holding means holding ceiling tiles, the ceiling tiles being able to be dismantled without first having to fully or partially dismantle the canvas, and the first and second flanges having the same downward length.

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Hostelling discloses a suspended ceiling comprising median rails comprising tile holding means holding ceiling tiles (14), the ceiling tiles being able to be dismantled without first having to fully or partially dismantle the canvas.

It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine Scherrer with the median rail mounted tile holding means of Hostelling by locating the Hostelling-taught planar surface at the bottom of an extended Scherrer-taught second flange (such an extended flange length being taught by Sherrer in that Sherrer discloses two equal length flanges, 34 and 35 that yield parallel planar canvas surfaces in the same way Hostelling and the claimed invention comprise parallel planar canvas/tile surfaces) because such a modification yields the predictable result of decoratively combining these types of false ceilings (col. 3, line 5).

Claim 8 - An upper part of the parallel flanges terminates in a horizontal web with two ends, the two ends terminate in two small vertical flanges extending upwardly and close at respective upper parts by two horizontal borders defining a slideway (37).

Scherrer discloses a suspended ceiling, comprising:

Claims **16-18**, and **20-22** - a canvas (1) with a periphery border having a free end (10);

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support elements (31,3) comprising peripheral rails (3) and median rails (31), the median rails comprised of a horizontal surface (32), canvas hooking means (33,35);

the canvas hooking means comprising a first flange (35) extending downward from the horizontal surface and disposed towards the canvas, and a parallel second flange (33) extending downward from the horizontal surface, an inner wall (right side of 33) of the second flange comprising a shoulder (33a) holding, in abutment, the free end of the border of the canvas with the canvas in a stretched condition, the shoulder disposed on a lower part of the second flange, and the free end of the border bears against the shoulder and the canvas bears against a lowermost edge of the first flange.

Scherrer does not expressly disclose the median rails comprising tile holding means holding ceiling tiles, the tile holding means comprising a planar surface connected to and extending horizontally from a lowermost edge of the second flange away from the canvas, the planar surface supporting the ceiling tiles, the ceiling tiles being able to be dismantled without first having to fully or partially dismantle the canvas, and the first and second flanges having the same downward length.

Hosteling discloses a suspended ceiling comprising median rails comprising tile holding means holding ceiling tiles (14), the tile holding means comprising a planar surface (1m) connected to and extending horizontally from a lowermost edge of a flange away from a canvas (2), the planar surface supporting the ceiling tiles (via the vertical element), the ceiling tiles being able to be dismantled without first having to fully or partially dismantle the canvas.

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It would have been obvious to one of ordinary skill in the art at the time the present invention was made to combine Scherrer with the median rail mounted planar tile holding surface of Hostelling by locating the Hostelling-taught planar surface at the bottom of an extended Scherrer-taught second flange (such an extended flange length being taught by Sherrer in that Sherrer discloses two equal length flanges, 34 and 35 that yield parallel planar canvas surfaces in the same way Hostelling and the claimed invention comprise parallel planar canvas/tile surfaces) because such a modification yields the predictable result of decoratively combining these types of false ceilings (col. 3, line 5).

Claims 19 and 23 – A support zone extending horizontally from the horizontal surface;

two vertical flanges (28) extending upwardly from the horizontal surface and the support zone;

two horizontal borders (31) closing the two vertical flanges to define a slideway (29); and

a slide block (38) retained in the slideway (Fig. 5).

Claims 13-15 - are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherrer in view of Hosteing and in further view of Attwood (3,053,355).

Attwood discloses an upper part of the parallel flanges terminating in a horizontal web with two small vertical flanges extending upwardly and close at respective upper

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parts by two horizontal borders defining a slideway detaining a slide block in the form of a parallelogram, the slide block having an end of which the width is smaller than a width separating the two borders.

It would have been obvious to one of ordinary skill in the art at the time the present invention was use such a slide block because it can be easily inserted into the channel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL KENNY whose telephone number is (571)272-9951. The examiner can normally be reached on Mon-Fri. 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571 272 6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/D. K./
Examiner, Art Unit 3633